REMARKS

This is a full and timely response to the final Office Action mailed October 5, 2006. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Present Status of Patent Application

Upon entry of the amendments in this response, claims 21-25 are pending in the present application. More specifically, claims 21-25 have been newly submitted without introduction of new material, and claims 1-20 have been canceled without prejudice, waiver or disclaimer. Applicants reserve the right to pursue the subject matter of canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

A. Claim Rejections under 35 U.S.C. §103

I. Statement of the Rejection

Claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Abe (US 2001/0030694) in view of Haavisto (US 2001/0007470).

Response to the Rejection

As is known, the MPEP provides several guidelines for rejecting a claim under 35 U.S.C. §103(a). Specifically, reference is made to MPEP 706.2(j) *Contents of a 35 U.S.C. 103 Rejection*, which states in pertinent part:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.
> (Emphasis added)

Applicants respectfully assert that the rejection of claims 1-20 under 35 U.S.C. §103(a) fails to satisfy the three basic criteria highlighted above. Specifically, the Office action fails to

provide a proper motivation to combine Abe with Haavisto. The Office action further fails to disclose all the elements of Applicants' claims 1-20 in the cited prior art. For example, the Office action fails to show where in Abe and/or Haavisto can be found "a converter that generates an average intensity value for each of the plurality of color components," as defined in Applicants' claim 8.

Consequently, Applicants respectfully assert that the Office action fails to satisfy the requirements for establishing a *prima facie* case of obviousness as necessary for a proper rejection under 35 U.S.C. §103(a).

Furthermore, Applicants respectfully traverse various assertions made in the Office action for justifying the rejections of claims 1-20. As one example, attention is drawn to the following statement made on Page 4 of the Office action:

> Remarks about the rejection of claim 8: A closer examination of current application's (10/797,308) specification concludes that the average intensity value is simply a digital signal that is an average of only one signal. More specifically, the number of values used for averages is one. (The average value is just the digital version of the signal accumulated on the photo sensor.) Conventionally, an average is calculated from a plurality of values. In this case, each of the photo sensors of the color sensor would have to produce a plurality of values to achieve the aforementioned conventional average. The specification does not have support for this occurrence. (Emphasis added)

In response to the Office action statement above, attention is drawn to Applicants' specification, specifically to paragraph [0016] that states:

> [0016] Color filter array 11, analog processing A-D conversion block 41, white balance block 43 and image balance block 44 are conventional processing blocks within conventional digital cameras. Color interpolation block 42 could be implemented to process the captured digital image to generate an average red intensity (Ravg), and average green intensity (Gavg) and an average blue intensity (Bavg) for the captured image, used in the calculation of White Balance. The present invention obviates the necessity of generating Ravg, Gavg, and Bavg by color interpolation block 42. Instead, Ravg, Gavg, and Bavg are generated in a parallel path based on information captured by color sensor 13.

Clearly, Applicants are not claiming that the process of generating an average intensity value is by itself a uniquely patentable aspect of the invention, but rather **where** such a generation is carried out. It is therefore, clear by implication, that persons of ordinary skill in the art will interpret the various blocks of Applicants' Fig. 3 as functional representations of well-known processes that are to be interpreted in light of the inventive aspects of the disclosure.

For example, contrary to the Office action assertion that the average intensity value is simply **a** digital signal that is an average of only **one** signal, a person of ordinary skill in the art will understand from the A-D conversion aspect that it is improper to draw such a conclusion. As is known, an A-D converter typically uses a sampling clock to sample an analog signal at various sampling instants and generate therefrom, a series of digital signals. In this case, the analog signal produced by color sensor 13 will be directly dependent upon the light incident on color sensor 13 and would typically, vary over time (even assuming *in arguendo* that the photo sensor produces "one" signal as alleged in the Office action).

Furthermore, a person of ordinary skill in the art will understand from the "analog processing" aspect of Applicants' Analog processing and A-D conversion block 45, that the signal produced by the color sensor 13 may be averaged prior to A-D conversion, say, for example, by using a capacitor. Nothing in Applicants' specification precludes such a scenario. Consequently, Applicants respectfully assert that the Office action is drawing improper conclusions from Applicants' specification and thereby imposing improper limitations on Applicants' invention.

Notwithstanding the impropriety of the rejection, Applicants have opted to cancel claims 1-20 in the interests of moving forward prosecution in this case. As a result of the cancellation, Applicants respectfully assert that the rejection of claims 1-20 has been rendered moot.

Applicants have submitted new claims which are directed towards clarifying and highlighting certain inventive aspects while eliminating distracting verbiage. The subject matter of these claims is not new. Consequently, Applicants humbly suggest that an examination of these new claims may be carried out without a new search for prior art and hereby request allowance of new claims 21-25.

Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the reasons set forth above, Applicants respectfully submit that pending claims 21-25 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned representative at (404) 610-5689.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA, 22313-1450, on **30 November 2006**.

Signature
Name: P. S. Dara